

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

HAOYANG YU, *et al.*

No. 19-cr-10195-WGY

MOTION TO DISMISS INDICTMENT DUE TO
UNCONSTITUTIONAL SELECTIVE ENFORCEMENT AND PROSECUTION

Pursuant to the Due Process Clause of the Fifth Amendment, Defendant Haoyang Yu moves this Court to dismiss the Indictment, because the government has unlawfully targeted Mr. Yu, a U.S. citizen, for selective enforcement and prosecution based on his Chinese ethnicity. *See* U.S. Const., 5th amend.; *Armstrong v. United States*, 517 U.S. 456 (1996) (citing *Yick Wo v. Hopkins*, 118 U.S. 356 (1886)).

At a minimum, this Court should permit Mr. Yu to conduct discovery in support of these claims, because similarly situated individuals who are *not* ethnically Chinese have received different treatment. *See United States v. Tuitt*, 68 F. Supp. 2d 4 (D. Mass. 1999).

Mr. Yu requests a hearing on this motion.

Respectfully submitted,

HAOYANG YU

by his attorneys,

/s/ William Fick

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 22, 2020.

/s/ William Fick